



# **Town Board Minutes**

**Meeting  
No. 30**



## **Regular Meeting**

**September 19, 2005**



## ***Town Board Minutes***

September 19, 2005

Meeting No. 30

A Regular Meeting of the Town Board of the Town of Lancaster, Erie County, New York, was held at the Town Hall at 21 Central Avenue, Lancaster, New York on the 19<sup>th</sup> day of September 2005 at 8:00 P.M. and there were

**PRESENT:** DANIEL AMATURA, COUNCIL MEMBER  
MARK MONTOUT, COUNCIL MEMBER  
RONALD RUFFINO, COUNCIL MEMBER  
ROBERT GIZA, SUPERVISOR

**ABSENT:** DONNA STEMPIAK, COUNCIL MEMBER

**ALSO PRESENT:** JOHANNA COLEMAN, TOWN CLERK  
ROBERT LABENSKI, TOWN ENGINEER  
RICHARD SHERWOOD, TOWN ATTORNEY  
LEONARD CAMPISANO, ASSISTANT BUILDING INSPECTOR  
TERRENCE McCRACKEN, GENERAL CREW CHIEF

### **PERSONS ADDRESSING TOWN BOARD:**

Chowaniec, Lee, 93 Northwood Drive, spoke to the Town Board on the following matters:

- public improvement permits for Pleasant Meadows Subdivision
- wetlands

Fronczak, Mike, 3 Woodstream, spoke to the Town Board on the following matters:

- Nicholas Heights Subdivision
- streets in Pleasant Meadows Subdivision
- lobbying efforts for funding sources for Police/Court facility

Korcz, Richard, 4946 William Street, spoke to the Town Board on the following matter:

- the resolution to amend the Code of the Town of Lancaster regarding "Nonconforming Uses"

Schneggenburger, Roy, 87 Stony Road, spoke to the Town Board on the following matters:

- Public Improvement Permits for Pleasant Meadows Subdivision
- his personal property assessment

**PUBLIC HEARING SCHEDULED FOR 8:30 P.M.:**

At 8:30 P.M., the Town Board held a Public Hearing to hear all interested persons upon the application of Heather DeSimone for a Special Use Permit for a home occupation (hair salon).

The affidavits of publication of this Public Hearing are on file and a copy of the Legal Notice has been posted.

NAME	ADDRESS	Proponent/ Opponent/ Comments/Questions
Roy Schneggenburger	87 Stony Road	Questions

ON MOTION BY COUNCIL MEMBER RUFFINO, AND SECONDED BY COUNCIL MEMBER AMATURA, FOR ADJOURNMENT OF THE PUBLIC HEARING, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

The Public Hearing was adjourned at 8:32 P.M.

The Town Board, later in the meeting, adopted a resolution, hereinafter spread at length in these minutes, taking favorable action upon this matter.

September 19, 2005

**PRESENTATION OF PREFILED RESOLUTIONS BY COUNCIL MEMBERS:**

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER RUFFINO, TO WIT:

**RESOLVED**, that the minutes of the Joint Meeting of the Town Board and the Planning Board held September 6, 2005 and the Regular Meeting of the Town Board held September 6, 2005 be and are hereby approved.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

September 19, 2005

File: RMIN (P2)

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER MONTOUR, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER AMATURA, TO WIT:

**WHEREAS**, Besroi Construction Corporation, situate at 5434 Genesee Street in the Town of Lancaster, has submitted an application for a Special Use Permit for an outdoor storage lot to store recreational vehicles (motor homes, boats, campers) on property, in accordance with provisions of Chapter 50-Zoning, Section 24, Light Industrial District (LI), of the Code of the Town of Lancaster;

**NOW, THEREFORE, BE IT**

**RESOLVED**, that pursuant to Chapter 50-Zoning, Section 24, entitled "Light Industrial District (LI)" of the Code of the Town of Lancaster, a Public Hearing on the proposed Special Use Permit for an outdoor storage lot to store recreational vehicles (motor homes, boats, campers) on premises locally known as 5434 Genesee Street in the Town of Lancaster, New York, will be held at the Town Hall, 21 Central Avenue, Lancaster, New York, on the 3rd day of October 2005, 8:30 o'clock P.M., Local Time, and that Notice of the time and place of such Hearing be published in the Lancaster Bee, a newspaper of general circulation in said Town, and be posted on the Town Bulletin Board and that a copy of such Notice of Hearing be referred to the Erie County Department of Planning, pursuant to Section 239(m) of the General Municipal Law, which Notice shall be in the form attached hereto and made a part hereof.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

September 19, 2005

**LEGAL NOTICE  
PUBLIC HEARING  
SPECIAL USE PERMIT - BESROI ROOFING & SIDING  
5434 GENESEE STREET**

**LEGAL NOTICE IS HEREBY GIVEN**, that pursuant to the authority set forth in Chapter 50-Zoning, Section 24, "Light Industrial District (LI)" of the Code of the Town of Lancaster, and the Town Law of the State of New York, and pursuant to a resolution of the Town Board of the Town of Lancaster adopted on the 19th day of September, 2005 the said Town Board will hold a Public Hearing on the 3rd day of October, 2005, at 8:30 o'clock P.M., Local Time, at the Town Hall, 21 Central Avenue, Lancaster, New York, to hear all interested persons upon the application of Besroi Construction Corporation, for a Special Use Permit for an outdoor storage lot to store recreational vehicles (motor homes, boats, campers) on premises locally known as 5434 Genesee Street, Town of Lancaster, County of Erie, State of New York.

Full opportunity to be heard will be given to any and all citizens and all parties in interest.

**TOWN BOARD OF THE  
TOWN OF LANCASTER**

**BY: JOHANNA M. COLEMAN  
Town Clerk**

September 19, 2005

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER RUFFINO, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER MONTOUR, TO WIT:

WHEREAS, Pleasant Meadows, I.I.C, 2730 Transit Road, West Seneca, New York, has applied to the Town Board of the Town of Lancaster for permits to construct Public Improvements upon real property in the Town of Lancaster within Pleasant Meadows Subdivision, Phase I, and

WHEREAS, the Town Engineer of the Town of Lancaster has certified on the following permit applications that he has reviewed the improvement plans and permit applications for the installation of the public improvements requested, and that they conform to the Ordinances of the Town of Lancaster.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that Public Improvement Permit Applications Nos. 606, 607, 608, and 609 of Pleasant Meadows, LLC, 2730 Transit Road, West Seneca, New York, for the installation of:

P.I.P. No. 606  
(Pavement & Curb)

Pleasant Meadows Subdivision Phase I on Juniper Boulevard, Red Clover Lane, Sweet Brier Court, Chicory Lane, 65,130± S.F. of pavement (32' wide) w/13" subbase, 4" NYSDOT Type 1 Base, 2" NYSDOT Type 3 binder, 1" NYSDOT Type 7 top, 112, 170± S.F. of pavement (28' wide) w/12" subbase, 4" NYSDOT Type 1 base, 2" NYSDOT Type 3 binder, 1" NYSDOT Type 7 Top, 11,000± L.F. of 6" P.H.D.P.E. (Perforated) underdrain, 10,880± L.F. of 20" Type "BB" concrete curbing, 350 ± L.F. of 24" upright concrete island curbing, 1420± S.F. of concrete sidewalk (inside island) along w/all the erosion control devices as shown on sheets 22 & 23 of 23.

P.I.P. No. 607  
(Detention Basin)

Pleasant Meadows Subdivision, Phase I (2) detention basins, 113± L.F. - 24" H.D.P.E., 177± L.F. 12" H.D.P.E., 26± L.F. of 6" PVC, 1 outfall structure, 1 rip-rap spillway.

P.I.P. No.608  
(Storm Sewer & Backyard Drainage)

Pleasant Meadows Subdivision, Phase I on Juniper Boulevard, Red Clover Lane, Sweet Brier Court, Chicory Lane; 2,004± L.F. of 24" H.D.P.E., 566± L.F. of 18" H.D.P.E., 1,708± L.F. of 15" H.D.P.E., 2,578± L.F. of 12" H.D.P.E., 532± L.F. of 10" PVC, 1,060± L.F. of 8" PVC, 22 each 48" diameter manholes, 37 each standard road receivers, 21 each light duty receivers, 20 each backyard receivers, 4 each sediment chambers (1 s.c. 12R, 2 s.c. 10R, 1 s.c. 7R), 3770± L.F. temporary drainage ditch, 1,200± L.F.- 4± high berm

P.I.P. No. 609  
(Water Line)

Pleasant Meadows Subdivision, Phase I on Juniper Boulevard, Red Clover Lane, Sweet Brier Court, Chicory Lane; 5,775 L.F. - 8" PVC (C-900) waterline, 200 L.F. - 8" D.I.P. (Class 52) waterline; 1 - 12" x 8" tee assemblies, (2) - 12" line valve assemblies, (13) - 8" line valve assemblies, (11) - hydrant assemblies, (3) - 2" blow-offs

be and are hereby authorized.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAC	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

September 19, 2005

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER RUFFINO, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER MONTOUR, TO WIT:

**WHEREAS**, the developer has requested the Town Board of the Town of Lancaster accept completed Public Improvements within Michael's Landing Subdivision, Phase III within the Town of Lancaster, and

**WHEREAS**, the Town Engineer has inspected the improvements and has recommended the approval thereof, and

**WHEREAS**, the Town Attorney, by letter to the Town Clerk dated September 15, 2005, has reported his favorable review of all necessary deeds, easements and bonds required to be filed for the acceptance of these public improvements.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the following completed Public Improvements within Michael's Landing Subdivision, Phase III be and are hereby approved and accepted by the Town Board of the Town of Lancaster:

P.I.P. No. 577 - Water Line

P.I.P. No. 578 - Storm Sewer

P.I.P. No. 579 - Pavement & Curb

and,

**BE IT FURTHER**

**RESOLVED**, that the Town Attorney is directed to attend to filing the deed causing the dedication of the road(s) to the Town of Lancaster.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

September 19, 2005

File: RP/PP (P6)



THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER AMATURA, TO WIT:

**WHEREAS**, Windsor Ridge Partners, LLC, 501 John James Audubon Parkway, Amherst, New York, has requested the Town Board of the Town of Lancaster accept work completed under Street Lighting Public Improvements within Windsor Ridge Subdivision Phase V(a) and V(b) within the Town of Lancaster, and

**WHEREAS**, the Town Engineer has inspected the improvements and has recommended the approval thereof, and

**WHEREAS**, the Town Attorney by letter to the Town Clerk dated September 15, 2005 has reported his favorable review of all necessary deeds, easements and bonds required to be filed for the acceptance of these public improvements.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the following completed Street Lighting Public Improvements within Windsor Ridge Subdivision Phase V(a) and V(b), be and are hereby approved and accepted by the Town Board of the Town of Lancaster:

P.I.P. Nos. 598 & 599 - Street Lights  
and,

**BE IT FURTHER**

**RESOLVED**, that a copy of this resolution be directed by the Town Clerk to the New York State Electric & Gas Corporation with a request to energize the street lights herein.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

September 19, 2005

File: RPIP (PS)

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER AMATURA, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER RUFFINO, TO WIT:

**WHEREAS**, the Town of Lancaster intends to apply for Federal Community Development Funds, known as Community Development Block Grant funds for the year 2006-2007 and must identify eligible projects which would benefit low to moderate income persons in the Town, and

**WHEREAS**, the Town Board of the Town of Lancaster deems it in the public interest to hold a Public Hearing to provide an opportunity for citizens to express community development and housing needs and to discuss proposals to meet those needs to assist the Town Board in developing the Town application for Community Development Block Grant funds;

**NOW, THEREFORE, BE IT**

**RESOLVED**, that a Public Hearing to provide an opportunity for citizens to express community development and housing needs and to discuss possible projects which would benefit low and moderate income persons in the Town of Lancaster, will be held at the Town Hall, 21 Central Avenue, Lancaster, New York, on the 3<sup>rd</sup> day of October, 2005, at 8:35 o'clock P.M., Local Time, and that Notice of the time and place of such Hearing be published in the Lancaster Bee, the Official newspaper and be posted on the Town Bulletin Board, which Notice shall be in the form attached hereto and made a part hereof.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

September 19, 2005

File: rcdbg

**NOTICE OF PUBLIC HEARING  
NOTICE TO CITIZENS  
OF THE  
TOWN OF LANCASTER**

A Public Hearing will be held on the 3<sup>rd</sup> day of October, 2005, at 8:35 o'clock P.M., Local Time, at the Lancaster Town Hall, 21 Central Avenue, Lancaster, New York, regarding the use of Federal Community Development funds in the Town of Lancaster.

The Town of Lancaster is eligible for a Federal Community Development Grant under Title I of the Housing and Community Development Act of 1974, as amended.

The purpose of the Hearing is to provide an opportunity for citizens to express community development and housing needs and to discuss possible projects which would benefit low and moderate income persons in the Town of Lancaster.

Citizens are urged to attend this meeting to make known their views and/or written proposals on the Town of Lancaster's selection of potential projects to be submitted for possible funding by the Federal Community Development Grant Program.

The Hearing will also present a review of prior Community Development projects and expenditures and a discussion of eligible activities. The meeting room is wheelchair accessible. Those needing special arrangements should call the Lancaster Town Clerk's Office at (716) 683-9028 by September 26, 2005.

Full opportunity to be heard will be given to any and all citizens and all parties in interest.

**TOWN BOARD OF THE  
TOWN OF LANCASTER**

**BY: JOHANNA M. COLEMAN  
Town Clerk**

September 19, 2005

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER MONTOUR, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER AMATURA, TO WIT:

**WHEREAS**, Clover Construction Management, Inc., 1430 Millersport Highway, Williamsville, New York 14221, the contract vendee of a parcel of land located at the end of Bradley Road, west of Harris Hill Road and north of Pleasant View Drive, Lancaster, New York has petitioned the Town Board of the said Town for the rezone of said property from a Residential District One (R1) to a Multifamily Residential District Four (MFR-4), and

**WHEREAS**, the Petition has been referred to the Planning Board of the Town of Lancaster for its recommendation and report;

**NOW, THEREFORE, BE IT**

**RESOLVED**, that pursuant to Sections 130 and 265 of the Town Law of the State of New York a Public Hearing on the proposed rezone will be held at the Town Hall, 21 Central Avenue, Lancaster, New York, on the 3<sup>rd</sup> day of October, 2005, at 8:40 o'clock P.M., Local Time, and that Notice of the Time and Place of such Hearing be published in the Lancaster Bee, a newspaper of general circulation in said Town on September 22, 2005 and be posted on the Town Bulletin Board, and that Notice of such Hearing be referred to the Erie County Department of Planning, pursuant to Section 239 (m) of the General Municipal Law, which Notice shall be in form attached hereto and made a part hereof.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

September 19, 2005

File: rrezoncharrishillseniorhousing905

**LEGAL NOTICE  
PUBLIC HEARING  
HARRIS HILL SENIOR HOUSING  
HARRIS HILL ROAD AT THE END OF BRADLEY ROAD  
TOWN OF LANCASTER**

**LEGAL NOTICE IS HEREBY GIVEN**, that pursuant to the Town Law of the State of New York and pursuant to a resolution of the Town Board of the Town of Lancaster, adopted on September 19, 2005, the said Town Board will hold a Public Hearing on the 3rd day of October, 2005 at 8:40 o'clock P.M., Local Time, at the Town Hall, 21 Central Avenue, Lancaster, New York, to hear all interested persons upon the following proposed amendment to the Zoning Ordinance and Zoning Map of the Town of Lancaster, rezoning the following described real property from Residential District One (R1) to Multifamily Residential District Four (MFR-4):

**ALL THAT TRACT OF LAND, SBL #93.11-1-18.1**, being part of Lot No. 6, Section 11, Township 11, Range 6 of the Niagara Boundary Land Company's Survey, bounded as follows:

**BEGINNING** at the northwest corner of Lot 6,

**THENCE** southerly along the west line of Lot 6 a distance of 495 feet to a point;

**THENCE** easterly parallel to the north line of Lot 6 a distance of 863 feet to the southwest corner of land decded to Norman H. Kiler, Liber 4978, Page 178;

**THENCE** northerly parallel to the east line of Lot 6 a distance of 215 feet to a point in the southerly line of Bradley Drive decded to the Town of Lancaster, Liber 3165, Page 86;

**THENCE** westerly along the southerly side of Bradley Drive 30 feet to a point;

**THENCE** northerly along the westerly boundary of said road 66 feet to a point;

**THENCE** easterly along the northerly side of Bradley Drive 30 feet to a point being the southwest corner of lands decded to George L. Wessel and one, Liber 9560, Page 358;

**THENCE** northerly along George L. Wessel's westerly line 214 feet to a point in the north line of Lot 6;

**THENCE** westerly along the north line of Lot 6 a distance of 863 feet to the northwest corner of Lot 6 and point of beginning.

Full opportunity to be heard will be given to any and all citizens and all parties in interest.

**TOWN BOARD OF THE  
TOWN OF LANCASTER**

**BY: JOHANNA M. COLEMAN**  
Town Clerk

September 19, 2005

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER MONTOUR WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER RUFFINO, TO WIT:

**WHEREAS, AVR Builders, Inc.,** 300 International Drive, Williamsville, New York 14221, the developer of the proposed parcel of land in the Town of Lancaster, New York has petitioned the Town Board of the said Town for the development of a 10 +/- lot patio home development (Larkspur East Patio Homes) on a 15 +/- acre parcel of land located off the eastern terminus of Primrose Lane in the existing Larkspur Acres Subdivision in the Town of Lancaster, and

**WHEREAS,** the Petition has been referred to the Planning Board of the Town of Lancaster for its recommendation and report;

**NOW, THEREFORE, BE IT**

**RESOLVED,** that pursuant to Town Law Section 276 of the Town Law of the State of New York a Public Hearing on the proposed subdivision will be held at the Town Hall, 21 Central Avenue, Lancaster, New York, on the 3<sup>rd</sup> day of October, 2005, at 8:45 o'clock P.M., Local Time, and that Notice of the Time and Place of such Hearing be published in the Lancaster Bee, a newspaper of general circulation in said Town on September 22, 2005 and be posted on the Town Bulletin Board, and that Notice of such Hearing be referred to the Erie County Department of Planning, pursuant to Section 239 (m) of the General Municipal Law, which Notice shall be in form attached hereto and made a part hereof.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

September 19, 2005

**LEGAL NOTICE  
PUBLIC HEARING  
DEVELOPMENT OF THE  
LARKSPUR EAST PATIO HOMES SUBDIVISION  
PRIMROSE LANE  
TOWN OF LANCASTER**

**LEGAL NOTICE IS HEREBY GIVEN**, that pursuant to the Town Law of the State of New York and pursuant to a resolution of the Town Board of the Town of Lancaster, adopted on September 19, 2005, the said Town Board will hold a Public Hearing on the 3rd day of October, 2005 at 8:45 o'clock P.M., Local Time, at the Town Hall, 21 Central Avenue, Lancaster, New York, to hear all interested persons upon the development of Larkspur East Patio Homes Subdivision to be located off the eastern terminus of Primrose Lane in the existing Larkspur Acres Subdivision in the Town of Lancaster.

Full opportunity to be heard will be given to any and all citizens and all parties in interest.

**TOWN BOARD OF THE  
TOWN OF LANCASTER**

**BY: JOHANNA M. COLEMAN**  
Town Clerk

September 19, 2005

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER MONTOUR, WHO  
MOVED ITS ADOPTION. SECONDED BY  
COUNCIL MEMBER AMATURA, TO WIT:

WHEREAS, the Town Board of the Town of Lancaster has heretofore held a public hearing pursuant to Chapter 50-Zoning - Section 17 (F) of the Code of the Town of Lancaster, upon the application of Heather DeSimone, for a Special Use Permit for a Home Occupation (hair salon) on premises located at 34 Ashwood Court, Lancaster, New York, and

WHEREAS, persons for and against such Special Use Permit have had an opportunity to be heard;

NOW, THEREFORE, BE IT

RESOLVED as follows:

1. That pursuant to Chapter 50-Zoning, Section 17 (F), entitled "Home Occupations" of the Code of the Town of Lancaster, the Town Board of the Town of Lancaster does hereby grant a Special Use Permit to HEATHER DESIMONE, for a Home Occupation (beauty salon) on premises located at 34 Ashwood Court, Lancaster, New York, upon the terms and conditions as set forth in the Zoning Ordinance, and

2. That the applicant will continue in compliance with conditions as set forth in Chapter 50, Section F, of the Code of the Town of Lancaster as long as the applicant continues to engage in the home occupation on the premises, namely:

- a. Only persons residing on the premises shall be engaged in such an occupation;
- b. The home occupation shall be clearly incidental and subordinate to the use of the premises for residential purposes. The area devoted to the home occupation shall not exceed twenty-five percent (25%) of the ground floor area of the principal structure. It may be within the principal accessory structure;
- c. There shall be no change in the outside appearance of the building or premises or other visible evidence of the conduct of such home occupation;
- d. No equipment or process shall be used which creates noise, vibration, glare, fumes, odors or electrical interference perceptible to the normal senses off the lot;
- e. There shall be no outdoor sign advertising this business;
- f. This Special Use Permit terminates when the applicant no longer resides on the premises.
- g. Permit must be renewed every two (2) years at no additional cost to applicant.
- h. Applicant will authorize representatives from the Building Inspector's Office to enter the premises upon reasonable notice to inspect the premises to verify compliance with this permit.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

September 19, 2005



THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO MOVED ITS  
ADOPTION, SECONDED BY COUNCIL  
MEMBER MONTOUR, TO WIT:

**RESOLVED**, that the following Audited Claims be and are hereby ordered paid from  
their respective accounts as per abstract to be filed in the Office of the Town Clerk by the Director of  
Administration and Finance, to wit:

Claim No. 17346 to Claim No. 17602 Inclusive

Total amount hereby authorized to be paid: \$254,893.61

The question of the foregoing resolution was duly put to a vote on roll call which  
resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

September 19, 2005

File: Rclams

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER MONTOUR, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER RUFFINO, TO WIT:

**TABLED PERMIT:**

13241 Kids Korner 2655 Wehrle Dr Er. Sign-Temp

**RESOLVED** that the following Building Permit applications be and are hereby reaffirmed:

**CODES:**

(SW) = Sidewalks as required by Chapter 12-1B. of the Code of the Town Lancaster are waived for this permit.

(CSW) = Conditional sidewalk waiver.

(V/L) = Village of Lancaster

**NEW PERMITS:**

13242	Voth, Kristine	6521 Broadway	Er. Deck	
13243	Tucker Homes Inc	17 Beatrix Cir	Er. Dwlg.-Sin.	
13244	Mormul, Daniel	1 Fox Hunt Rd	Er. Res. Add.	
13245	Custom Patio Rooms	499 Lake Ave	Er. Res. Alt.	
13246	Majestic Pools Inc	11 Regency Ct	Er. Pool-In Grnd	
13247	Duro-Shed Inc	67 Kennedy Ct	Er. Shed	
13248	Smith, Michael	15 Pine View Ln	Er. Res. Add.	
13249	Majestic Pools Inc	20 Heathrow Ct	Er. Pool-In Grnd	
13250	Majestic Pools Inc	20 Heathrow Ct	Er. Fence	
13251	Sun Enterprises	1339 Ransom Rd	Er. Shed	
13252	Kaempf, Kevin	12 Willow Ridge Ln	Er. Shed	
13253	City Fence Inc	4 Queen's Way	Er. Fence	
13254	McFarland, Scott	39 Ashwood Ct	Er. Gazebo	
13255	Majestic Pools Inc	8 Ashwood Ct	Er. Fence	
13256	Majestic Pools Inc	8 Ashwood Ct	Er. Pool-In Grnd	
13257	Schuster Const.	40 Grant St	Er. Deck	(V/L)
13258	Teller, Steve	61 Robert Dr	Er. Shed	(V/L)
13259	Heritage Fence	97 Albert Dr	Er. Fence	(V/L)
13260	Essex Homes of WNY	35 Americo Ct	Er. Dwlg.-Sin.	
13261	Heritage Fence	88 Robert Dr	Er. Fence	(V/L)
13262	Nysiak, Tom	31 Ashwood Ct	Er. Shed	
13263	Transit-Rehm Assoc.	6363 Transit Rd	Er. Sign-Temp	
13264	Aqua Systems of WNY	39 Ashwood Ct	Inst. In-Grnd Sprinkler	
13265	Housecrafters LLC	9 Michael Anthony Ln	Er. Res. Add.	
13266	Koniczny, Theodore	19 Waltham Ave	Er. Res. Alt.	
13267	Grand Jude Plumbing	5191 Broadway	Inst. Sewer Tap	(V/L)
13269	Burr, Timothy	5 Impala Pky	Er. Res. Add.	
13270	Premier Fence	334 Aurora St	Er. Fence	(V/L)
13271	Harrison, Shawn	7 Creekwood Dr	Er. Fence	
13272	Cortese Brothers	5241 Genesee St	Er. Deck	

**BE IT FURTHER**

**RESOLVED**, that the Building Permit Applications herein coded (SW) for sidewalk waiver be and are hereby reaffirmed with a waiver of the Town Ordinance requirement for sidewalks, and

**BE IT FURTHER**

**RESOLVED**, that the Building Permit Applications herein coded (CSW) for conditional sidewalk waiver be and are hereby reaffirmed with a waiver of the Town Ordinance required for sidewalks, however, the waiver is granted upon the expressed condition that the Town of Lancaster, at any future date, reserves the right to order sidewalk installation at the expense of the property owner.

The question of the adoption of the following resolution was duly put to a vote on roll call which resulted as follows

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

September 19, 2005

File: Rbldg2

**SUSPENDED RESOLUTION:**

Supervisor Giza requested a suspension of the necessary rule for immediate consideration of the following resolution:

Council Member Ruffino moved to suspend the necessary rules or immediate consideration of the following resolution, seconded by Council Member Montour, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

**SUSPENSION GRANTED.**

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER RUFFINO, TO WIT:

**WHEREAS**, the Municipal Home Rule Law of the State of New York and Chapter 26 of the Code of the Town of Lancaster provide for the adoption and enactment of local laws, and

**WHEREAS**, after review and consideration, the Town Board of the Town of Lancaster deems it in the public interest to enact a Local Law of the Year 2005, entitled "NONCONFORMING USES", which will amend Section 50-31. (C) (2) (a), "Restoration of a damaged use or structure.", of the Code of the Town of Lancaster, and

**WHEREAS**, the Town Board specifically has given review and consideration to Section 50-31 (C) (2) (a), "Restoration of a damaged use or structure." as it relates to the reconstruction of residential dwellings, and

**WHEREAS**, the Town Board after due review and consideration deems it in the public interest to cause a change in the zoning codes and permit residential type dwellings of two units or less to be reconstructed in the event of a fire, other casualty, act of God, or act of the public enemy even where the damage is greater than 50% of the value prior to the occurrence.

**WHEREAS**, the amended Section 50-31 (C) (2) (a) shall read as follows:

**CHAPTER 50**

**ZONING**

**SECTION 50-31, NON CONFORMING USES**

**PROPOSED LOCAL LAW OF THE YEAR 2005**

**A LOCAL LAW ENTITLED "NONCONFORMING USES," TO AMEND THE CODE OF THE TOWN OF LANCASTER, BY AMENDING SECTION 50-31 (C) (2) (A) OF CHAPTER 50 "ZONING".**

**BE IT ENACTED**, by the Town Board of the Town of Lancaster as follows:

**Section 1.**

The Code of the Town of Lancaster, Chapter 50, Zoning, Section 50-31 (C) (2) (a) is hereby amended by Local Law of the Year 2005 as follows:

**§50-31 (C) (2) Restoration of a damaged use or structure.**

(a) 1) If a nonconforming use or structure other than a two family dwelling is destroyed or damaged by fire, other casualty, act of God, or act of the public enemy even where the damage is greater than 50% of the value prior to the occurrence it can thereafter be constructed or repaired.

2) If a nonconforming use or structure in the nature of two family dwelling is destroyed or damaged by fire, other casualty, act of God, or act of the public enemy if may thereafter be reconstructed, repaired and occupied as such nonconforming use.

3) In all other cases, the nonconforming use shall be terminated and any nonconforming structure shall be terminated and any nonconforming structure shall be demolished.

4) Application for a building permit to repair, replace or reconstruct a partially destroyed or damaged use or structure as herein authorized must be made within one year of the occurrence, and the repair, replacement or reconstruction must completed within six moths following the issuance of the permit, or the nonconforming status of the use or structure shall be terminated, and any nonconforming structure then remaining shall be demolished.

**NOW, THEREFORE, BE IT  
RESOLVED,** as follows:

1. That pursuant to the Municipal Home Rule Law of the State of New York and Chapter 26 of the Code of the Town of Lancaster, a Public Hearing on the proposed Local Law of the Year 2005, entitled "Nonconforming Uses." which Local Law amends Section 50-31 (C) (2) (a) "Restoration of a damaged use or structure." of the Code of the Town of Lancaster, will be held at the Town Hall, 21 Central Avenue, Lancaster, New York, at 8:50 o'clock P.M., Local Time, on the 3rd day of October, 2005, and that Notice of the Time and Place of such Hearing shall be published on September 22, 2005, in the Lancaster Bee, being a newspaper of general circulation in said Town and posted on the Town Bulletin Board, which Notice shall be in the form attached hereto and made a part hereof, and

2. That the Town Clerk is hereby directed to make copies of this proposed Local Law for the Year 2005, entitled "Nonconforming Uses." available for inspection by and distribution to any person during business hours.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

September 19, 2005

**LEGAL NOTICE  
PUBLIC HEARING  
TOWN OF LANCASTER**

**LEGAL NOTICE IS HEREBY GIVEN**, that pursuant to the Municipal Home Rule Law of the State of New York and Chapter 26 of the Code of the Town of Lancaster and pursuant to a resolution of the Town Board of the Town of Lancaster, adopted September 19, 2005, the said Town Board will hold a Public Hearing on the 3rd day of October, 2005 at 8:50 o'clock P.M., Local Time, at the Town Hall, 21 Central Avenue, Lancaster, New York, to hear all interested persons upon a proposed Local Law of the Year 2005, entitled "Nonconforming Uses", which Local Law amends Section 50-31 (C) (2) (a) of Chapter 50 "Zoning" of the Code of the said Town, briefly described as follows:

**"A LOCAL LAW ENTITLED "NONCONFORMING USES" TO AMEND SECTION 50-31 (C) (2) (A), "RESTORATION OF A DAMAGED USE OR STRUCTURE." OF CHAPTER 50 " ZONING" OF THE CODE OF THE TOWN OF LANCASTER."**

A complete copy of this proposed Local Law of the Year 2005, entitled "Nonconforming Uses", and designated as Chapter 50-31 (C) (2) (a) of Chapter 50, Zoning of the Code of the Town of Lancaster, is available at the office of the Town Clerk for inspection and distribution to any person during business hours.

Full opportunity to be heard will be given to any and all citizens and all parties in interest.

**TOWN BOARD OF THE  
TOWN OF LANCASTER**

By:

**JOHANNA M. COLEMAN  
Town Clerk**

## COMMUNICATIONS & REPORTS:

467. General Crew Chief to Planning Board, Council Members Montour, Ruffino, & Stempniak - Notice of approval from Town Forestry Department regarding sketch plan for proposed Fairway Hills Subdivision Phase II and proposed Larkspur East Patio Homes Subdivision. DISPOSITION = Planning Committee
468. Town Clerk to Town Board - Transmittal of monthly report for August 2005. DISPOSITION = Received & Filed
469. Erie County Department of Public Works to Town Attorney - Notification of Lead Agency Designation regarding proposed Plum Creek Commerce Center; comments noted. DISPOSITION = Planning Committee
470. Erie County Department of Public Works to Town Attorney - Notification of no comments regarding site plan review for proposed Progressive Insurance Claim Center, 6691 & 6699 Transit Road. DISPOSITION = Planning Committee
471. Erie County Department of Public Works to Town Attorney - Notification of Lead Agency Designation regarding proposed Harris Hill Senior Housing, Bradley Drive; comment noted. DISPOSITION = Planning Committee
472. Erie County Department of Public Works to Town Attorney - Notification of no comments regarding site plan for proposed Enterprise Car Rental and Retail Space, 6691 & 6699 Transit Road. DISPOSITION = Planning Committee
473. NYS DEC to Town Attorney - Notification of Lead Agency Designation regarding proposed Harris Hill Senior Housing, Bradley Drive; comments and concerns noted. DISPOSITION = Planning Committee
474. NYS DEC to Town Attorney - Notification of Lead Agency Designation regarding proposed Plum Creek Commerce Center; comments and concerns noted. DISPOSITION = Planning Committee
475. Cheektowaga Town Board to Town Board - Notification of public hearing to be held September 19, 2005, 7:00 PM at Cheektowaga Town Hall regarding Local Law No. 2005-4 relating to zoning. DISPOSITION = Received & Filed
476. Erie County Division of Sewerage Management to Town Attorney - Notification of no objections to proposed Harris Hill Senior Housing, Bradley Drive; comments noted. DISPOSITION = Planning Committee
477. NYS DEC to Pleasant Meadows, LLC - Acknowledgment of receipt of complete Notice of Intent for coverage under permit for storm water discharges from construction activity at Pleasant Meadows Subdivision, Phase I; conditions noted. DISPOSITION = Planning Committee
478. Erie County Division of Sewerage Management to Town Attorney - Notification of no objections to proposed Plum Creek Commerce Center; comments noted. DISPOSITION = Planning Committee
479. Town Attorney to Town Board, Planning Board - Notice of SEQR meeting to be held Monday, September 19, 2005, 6:30 PM regarding Harris Hill Senior Housing and Plum Creek Commerce Center. DISPOSITION = Received & Filed
480. Town Clerk to Various News Media - Notice of SEQR meeting to be held Monday, September 19, 2005, 6:30 PM regarding Harris Hill Senior Housing and Plum Creek Commerce Center. DISPOSITION = Received & Filed
481. General Crew Chief to Planning Board, Council Members Montour, Ruffino, & Stempniak - Notice of approval from Town Forestry Department regarding revised landscape plan for proposed Honda Power Center and Auto Auction Facility. DISPOSITION = Planning Committee
482. Cassie Graap to Town Clerk - Request from residents of Heathrow Court for "No Outlet" sign. DISPOSITION = Highway Superintendent

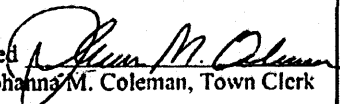


483. Planning Board Chairman to Planning Board, Town Board, Town Engineer, Deputy Town Attorney, Highway Superintendent, & Building Inspector -  
Draft copy of minutes of meeting held September 7, 2005. DISPOSITION = Received & Filed
484. Planning Board to Town Board -  
Request letter from Town Board to NYS DOT to designate portion of Walden Avenue as an Access Highway to permit use of 53-ft. trucks. DISPOSITION = Town Attorney
485. Planning Board to Town Board -  
Recommend approval of Sketch Plan for Pleasant Meadows Subdivision Phase II; condition noted. DISPOSITION = Planning Committee
486. Planning Board to Town Board -  
Notice of tabling Sketch Plan Review for Fairway Hills Subdivision Phase II.  
DISPOSITION = Received & Filed
487. Planning Board to Town Board -  
Recommend approval of Preliminary Plat Plan for Larkspur East Patio Homes.  
DISPOSITION = Planning Committee
488. NYS Senator Mary Lou Rath to Town Clerk -  
Notice of receipt of resolution of August 15, 2005 regarding removal of toll barriers.  
DISPOSITION = Received & Filed
489. Town Line Fire Department to Town Board -  
Request for change in roster. DISPOSITION = For Resolution, Police Chief
490. Village of Lancaster to Town Board -  
Minutes of official meeting held August 8, 2005. DISPOSITION = Received & Filed
491. NYS DOT to Town Attorney -  
Notice of no comments regarding proposed Harris Hill Senior Housing, Bradley Road.  
DISPOSITION = Planning Committee
492. Erie County Department of Public Works to Town Attorney -  
Notice of approval regarding proposed Nicholas Heights Subdivision, S/S William Street; comment noted. DISPOSITION = Planning Committee
493. Erie County Department of Environment & Planning to Supervisor -  
Notification of Lead Agency Designation regarding site plan for Honda Power Center and Auto Auction, N/S Walden Avenue; comments and concerns noted.  
DISPOSITION = Planning Committee
494. Erie County Department of Environment & Planning to Supervisor -  
Notification of Lead Agency Designation regarding site plan for Larkspur East Patio Homes; comments and concerns noted. DISPOSITION = Planning Committee
495. United States Senator Hillary Rodham Clinton to Supervisor -  
Letter of congratulations to Town upon being named as a Tree City USA. DISPOSITION = Received & Filed
496. Tammy Balsavage to Supervisor -  
Request for stop sign on Michael's Walk at Glen Hollow. DISPOSITION = Police Chief

**ADJOURNMENT:**

**ON MOTION OF COUNCIL MEMBER RUFFINO, SECONDED BY  
COUNCIL MEMBER AMATURA AND CARRIED,** the meeting was adjourned at 9:17  
P.M.

Signed

  
Johanna M. Coleman, Town Clerk